

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNY Y. EARP,

Plaintiff,

v.

TOWNSEND, et al.,

Defendants.

No. 2: 21-cv-1656 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is granted a sixty-days extension of time to file an opposition to defendants' summary judgment motion.

On February 10, 2023, defendants filed a summary judgment motion. (ECF No. 28.) Plaintiff has not opposed defendants' summary judgment motion.

On March 8, 2023, defendants filed a notice of teleconference with plaintiff. (ECF No. 31.) This notice states that plaintiff and defense counsel spoke by telephone on March 7, 2023. (Id.) Plaintiff told defense counsel that he was housed in a mental health crisis bed at the California Health Care Facility ("CHCF") until February 21, 2023. (Id.) After transferring back to Mule Creek State Prison ("MCSP"), plaintiff was referred to the San Joaquin General Hospital for treatment. (Id.) Plaintiff returned to MCSP on approximately March 6, 2023, and is currently housed in administrative segregation. (Id.) Plaintiff told defense counsel that he has not had


1 access to his personal property, including the court's address, since his transfer to CHCF. (Id.)  
2 Plaintiff told defense counsel that if he could write the court, he would request a sixty-days  
3 extension of time to file an opposition to defendants' summary judgment motion. (Id.)

4 In the notice filed March 8, 2023, defendants state that they would not oppose the court  
5 granting plaintiff a sixty days extension of time to file an opposition.

6 Based on the information provided in defendants' March 8, 2023 notice of teleconference,  
7 and good cause appearing, plaintiff is granted a sixty-days extension of time to file an opposition  
8 to defendants' summary judgment motion.<sup>1</sup>

9 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted an extension of sixty  
10 days from the date of this order to file an opposition to defendants' summary judgment motion.

11 Dated: March 9, 2023

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13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> The undersigned appreciates defense counsel informing the court of plaintiff's status.